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LETTER DATED 28 APRIL 1995 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Government of the Republic of Croatia is favourably disposed to the implementation principles proposed by the Secretary-General in his report to the Security Council dated 18 April 1995 (S/1995/320) in respect of resolution 981 (1995). Croatia looks forward to further discussions with the Secretary-General's Special Envoy, Mr. Thorvald Stoltenberg, regarding details of the new peace-keeping mandate in Croatia that in reality can only be worked out in process. The Security Council can count on my Government's full cooperation and support in this regard.

The operating principles proposed by the Secretary-General are consistent with the mandate established by resolution 981 (1995) and realistic under the circumstances. The proposed use of "mobile forces", for instance, in implementing the said resolution supports our expectations that the mandate of UNCRO will be active, and different from the static mandate of the United Nations Protection Force (UNPROFOR).

As the mandate of the United Nations Confidence Restoration Operation in Croatia, or UNCRO, is further defined, we should like to emphasize that the primary concern of UNCRO should be control of Croatia's internationally recognized borders. If UNCRO should fall short in carrying out this aspect of its mandate, the whole operation will also fall short. We may then find ourselves in the same position as we were a few months earlier in respect of the UNPROFOR mandate.

My Government finds it critically important that the border control mechanism is diligently implemented and strengthened. This can be done in several ways.

The border control mechanism can be strengthened by strictly implementing the existing resolutions concerning commercial trade across Croatia's international borders, as the Council called for in its resolution 988 (1995), by focusing on paragraph 12 of resolution 820 (1993). In this regard, we should like to recall that resolution 981 (1995), in the fourth preambular paragraph,

affirms Croatia's sovereign right to control trade that moves across its international borders.

The border control mechanism can also be strengthened by employing experts and specialists in the area of the administration of international trade. The emphasis should be on customs officers, such as those employed by the Sanctions Assistance Mission of the European Union (EU), and others. Generally, soldiers and military officers do not reach such a level of proficiency and success in this area as customs experts do.

The border control mechanism can be strengthened further by distributing all international assistance designated for the occupied territories from centres in Government-controlled areas and by assisting Croatia in finding resources to reopen and rebuild destroyed infrastructure in the occupied territories. In the spirit of a recent proposal by the Foreign Minister of France, H.E. Mr. Alain Juppé, for EU to assist in rebuilding one Serb village for every non-Serb village in Croatia, EU assistance in opening of the Zagreb-Knin railway would go a long way to restoring confidence and cooperation between Serb and non-Serb communities in Croatia.

The Secretary-General also proposes to facilitate the voluntary return of refugees and displaced persons to their homes by providing appropriate support to the Office of the United Nations High Commissioner for Refugees (UNHCR). The welfare of 250,000 non-Serb and 125,000 Serb citizens of Croatia who have been displaced as a result of Belgrade-inspired and supported aggression against Croatia remains the primary concern of my Government. We will continue to look for ways and greater assistance from the international community to achieve long overdue progress in this area.

The monitoring of the human rights situation of individuals and communities by UNCRO, as proposed by the Secretary-General, can help greatly in achieving progress for the displaced persons and refugees. We are concerned, however, that the issue of human rights can also be misused, as it has been in the past, to stall progress in reintegrating the occupied territories. We must recall in this regard that the situation in Croatia is not a consequence of lack of minority or individual rights, but a consequence of territorial expansion by Serbia and Montenegro, where minority rights are misused as pretext for aggression. The international community cannot allow itself to be misled by those who use violence supposedly to defend rights that they themselves deny to others at any cost.

The role of the Federal Republic of Yugoslavia (Serbia and Montenegro) in respect of the problem of displaced persons and refugees in Croatia and their basic human right to return to their homes cannot be overemphasized. The responsibility of that State was clearly established in General Assembly resolution 49/43 by an overwhelming vote on 9 December 1994. We cannot lose sight of this fact and the resolution when defining the elements of the future UNCRO mandate and the longer-term policy in the region.

The Federal Republic of Yugoslavia (Serbia and Montenegro) remains responsible for the tragic and costly consequences in Croatia. The international community must therefore insist that the responsible party takes

on new responsibilities and actions to remedy those consequences if this resolution is to be implemented and if we are to reach a just and viable peace in the region at all.

The Federal Republic of Yugoslavia (Serbia and Montenegro) must be held responsible for the success or failure of border control mechanism proposed by the Secretary-General. The international community, and especially the Contact Group, cannot let this go unnoticed. Rather, it must find credible new ways to link the existing sanctions regime imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) to the successful implementation of the border control mechanism established by resolution 981 (1995), as it did recently in resolution 988 (1995). The failure of the proposed border control mechanism cannot portend well for Croatia nor the region in general.

May I ask for your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative